

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE GENERAL HOSPITAL
CORPORATION and DANA-FARBER
CANCER INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

Civil Action No.: 1:18-cv-11360-IT

Hon. Indira Talwani

**DEFENDANTS ESOTERIX GENETIC LABORATORIES, LLC AND LABORATORY
CORPORATION OF AMERICA HOLDINGS' UNOPPOSED MOTION FOR LEAVE
TO FILE A MEMORANDUM OF LAW IN EXCESS OF TWENTY PAGES**

Defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings (collectively, “Defendants”), by and through their undersigned counsel, move for leave pursuant to Local Rule 7.1(b)(4) to exceed the twenty page limit for a memorandum of law in support of Defendants’ motion to dismiss the Amended Complaint. Defendant’s memorandum of law will comprise no more than twenty-seven pages, excluding the signature block and certificate of service. As grounds for this motion, Defendants state the following:

1. On or about May 30, 2018, Plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. (collectively, “Plaintiffs”) filed a complaint (the “Complaint”) against Defendants in the Superior Court of the Commonwealth of Massachusetts, Suffolk County, which Defendants removed to this Court on June 28, 2018.

2. On July 5, 2018, Defendants filed a Motion to Dismiss the Complaint, which was accompanied by a memorandum of law that was twenty pages in length.

3. On July 18, 2018, Plaintiffs filed an Amended Complaint, which added a new cause of action against Defendants, as well as additional factual allegations to support their existing causes of action.

4. Defendants intend to file a Motion to Dismiss the Amended Complaint.

5. Defendants' counsel believes that it will require up to twenty-seven pages in its memorandum of law in support of Defendants' Motion to Dismiss to adequately address Plaintiffs' new allegations and effectively outline Defendants' positions.

6. Counsel for the parties have agreed that Plaintiffs should be permitted to submit a memorandum of law in opposition to Defendants' Motion to Dismiss that is likewise up to twenty-seven pages in length.

WHEREFORE, Defendants respectfully request that the Court: (i) grant Defendants leave to file a memorandum of law in support of their Motion to Dismiss that is up to twenty-seven pages in length, exclusive of the signature block and certificate of service; and (ii) grant Plaintiffs leave to file a memorandum of law in opposition to Defendants' Motion to Dismiss that is up to twenty-seven pages in length, exclusive of the signature block and certificate of service.

Dated: July 24, 2018
Boston, MA

Respectfully submitted,

ESOTERIX GENETIC LABORATORIES, LLC and
LABORATORY CORPORATION OF AMERICA
HOLDINGS

By their attorneys,

CAMPBELL CAMPBELL EDWARDS & CONROY, P.C.

/s/ Christopher R. Howe

James M. Campbell (BBO # 541882)
Christopher R. Howe (BBO #652445)
One Constitution Center, 3rd Floor
Boston, MA 02129
Tel. (617) 241-3041
Fax (617) 241-5115
jmcampbell@campbell-trial-lawyers.com
chowe@campbell-trial-lawyers.com
*Counsel for Defendants Esoterix Genetic Laboratories,
LLC and Laboratory Corporation of America Holdings*

KELLEY DRYE & WARREN LLP
Robert I. Steiner (admitted *pro hac vice*)
Jaclyn M. Metzinger (admitted *pro hac vice*)
101 Park Avenue
New York, NY 10178
Tel: (212) 808-7800
Fax: (212) 808-7897
rsteiner@kelleydrye.com
jmetzinger@kelleydrye.com

*Attorneys for Defendants Esoterix Genetic Laboratories,
LLC and Laboratory Corporation of America Holdings*

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Christopher R. Howe, counsel for defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings (collectively, “Defendants”), hereby certify that, pursuant to Rule 7.1(a)(2) of the Local Rules of the United States District Court for the District of Massachusetts, I conferred with Carolyn A. Marcotte, counsel for plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute Inc. (collectively, “Plaintiffs”), on July 23, 2018. Ms. Marcotte informed me that Plaintiffs assent to this motion.

/s/ Christopher R. Howe

Christopher R. Howe

CERTIFICATE OF SERVICE

I, Christopher R. Howe, counsel for defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings, hereby certify that on July 24, 2018, I electronically filed the foregoing Motion for Leave to File a Memorandum in Excess of Twenty Pages with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record. I also served a true copy of the above Motion by first class mail, postage pre-paid, on all parties of record.

/s/ Christopher R. Howe

Christopher R. Howe